THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.23461 OF 2006

DATE: 10th November 2006

Between:
Mohd. Ishaq Khan, s/o Mohd. Ibrahim Khan,
Aged 32 years, Occ: business, r/o 6-3-883/9,
Punjagutta, Hyderabad.

... Petitioner.

And

1. Municipal Corporation of Hyderabad,
   rep. by its Commissioner, Tank Bund,
   Hyderabad and 2 others.

...Respondents.

* * *

ORDER:

Heard the counsel.

2. The matter is coming up for admission today. The writ petition is filed for a writ of Mandamus declaring action of the respondents in not following due process of law as specified in the provisions under Hyderabad Municipal Corporation Act and also Land Acquisition Act, in demolishing the petitioner's house No.8-2-242/A/1 admeasuring 80 sq. yards situated at Punjagutta, Hyderabad without paying compensation to the petitioner, as illegal, arbitrary and contrary to law.

3. Several factual details are narrated in the affidavit filed in

support of the writ petition in paras 2 to 6. The main grievance of the petitioner is that the respondents are not following due process of law for acquiring his property as stated supra. However, it is stated third respondent issued proceedings No.B/1281/2005, dated 19.5.2006, Form No.7 notice under Section 9(3) and Section 10 of the Land Acquisition Act of 1894. But he stated that in the schedule the property of the petitioner did not appear and the respondents are trying to acquire the petitioner's property without following due process of law and the road widening activity is carried on. It is needless to say that the respondents are bound to follow due process of law before further proceeding with the demolition activity.

4. In view of the same, the writ petition is disposed of directing the respondents not to resort to demolition activity in the subject matter of the writ petition i.e., house No.8-2-242/A/1 situated at Punjagutta, Hyderabad, unless and until due process of law is followed. No order as to costs.

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10-11-2006

BSB

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Operative portion of the order:

The writ petition is disposed of directing the respondents not to resort to the demolition activity in the subject matter of the writ petition i.e., house No.8-2-242/A/1 situated at Panjagutta, Hyderabad, unless and until due process of law is followed. No order as to costs.

(Detailed order follows…)

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10-11-2006

Note:

1. Issue wire of the operative portion of the order at party's costs.

2. Please send this bundle to the Court Masters' section after dispatch

of the wire order.

//B.O.//
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